

# City of Upsala

## SIDEWALK ORDINANCE 45

### SECTION 1 ICE AND SNOW ON PUBLIC SIDEWALKS

SUBD. 1. ICE AND SNOW A NUISANCE. ALL SNOW AND ICE REMAINING UPON PUBLIC SIDEWALKS IS HEREBY DECLARED TO CONSTITUTE A PUBLIC NUISANCE AND SHALL BE ABATED BY THE OWNER OR TENANT OF THE ABUTTING PRIVATE PROPERTY WITHIN TWENTY-FOUR HOURS AFTER SUCH SNOW OR ICE HAS CEASED TO BE DEPOSITED.

SUBD. 2. CITY TO REMOVE SNOW AND ICE. THE CITY MAY CAUSE TO BE REMOVED FROM ALL PUBLIC SIDEWALKS, BEGINNING FORTY-EIGHT HOURS AFTER SNOW OR ICE HAS CEASED TO FALL, ALL SNOW AND ICE WHICH MAY BE DISCOVERED THEREON, AND IT SHALL KEEP A RECORD OF THE COST OF SUCH REMOVAL AND THE PRIVATE PROPERTY ADJACENT TO WHICH SUCH ACCUMULATION WERE FOUND AND REMOVED. A STATEMENT OF THE COST OF SUCH REMOVAL SHALL BE MAILED TO THE OWNER OF SUCH ABUTTING PROPERTY.

SUBD. 3. COST OF REMOVAL TO BE ASSESSED. THE CITY CLERK SHALL, UPON DIRECTION OF THE COUNCIL, AND ON RECEIPT OF THE INFORMATION PROVIDED FOR IN THE PRECEDING SUBDIVISION, EXTEND THE COST OF SUCH REMOVAL OF SNOW OR ICE AS A SPECIAL ASSESSMENT AGAINST THE LOTS OR PARCELS OF GROUND ABUTTING ON WALKS WHICH WERE CLEARED, AND SUCH SPECIAL ASSESSMENTS SHALL AT THE TIME OF CERTIFYING TAXES TO THE COUNTY AUDITOR BE CERTIFIED FOR COLLECTION AS OTHER SPECIAL ASSESSMENTS ARE CERTIFIED AND COLLECTED.

SUBD. 4. CIVIL SUIT FOR COST OF REMOVAL. THE CITY CLERK SHALL, IN THE ALTERNATIVE, UPON DIRECTION OF THE COUNCIL, BRING SUIT IN A COURT OF COMPETENT JURISDICTION TO RECOVER FROM THE PERSONS OWNING LAND ADJACENT TO WHICH SIDEWALKS WERE CLEARED, AS PROVIDED IN SUBDIVISION 2 HEREOF, THE COST OF SUCH CLEARING AND THE COST AND DISBURSEMENTS OF A CIVIL ACTION THEREFOR.

SUBD. 5. CITY MAINTENANCE TO REPORT SIDEWALKS CLEARED. THE CITY MAINTENANCE DEPARTMENT SHALL PRESENT TO THE COUNCIL AT ITS FIRST MEETING AFTER SNOW OR ICE HAS BEEN CLEARED FROM THE SIDEWALKS AS PROVIDED IN SUBDIVISION 2 HEREOF THE REPORT OF THE CITY THEREON, AND SHALL REQUEST THE COUNCIL TO DETERMINE BY RESOLUTION THE MANNER OF COLLECTION TO BE USED AS PROVIDED IN SUBDIVISION 3 OR 4 OF THIS SECTION.

SUBD. 6. PLACING SNOW OR ICE IN PUBLIC STREET OF ON OTHER CITY PROPERTY. IT IS A MISDEMEANOR FOR ANY PERSON, NOT ACTING UNDER A SPECIFIC CONTRACT WITH THE CITY, TO REMOVE SNOW FROM PRIVATE PROPERTY OR ALLEYS AND PLACE THE SAME ON A PUBLIC STREET WITHOUT ADEQUATE ARRANGEMENTS FOR THE IMMEDIATE REMOVAL THEREOF; AND IT IS ALSO A MISDEMEANOR FOR ANY PERSON NOT ACTING UNDER A CONTRACT WITH THE CITY TO DUMP SNOW ON OTHER CITY PROPERTY.

### SECTION 2. CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND REPAIR OF SIDEWALK, CURB AND GUTTER:

SUBD. 1. OWNER RESPONSIBLE: IT IS THE PRIMARY RESPONSIBILITY OF THE OWNER OF PROPERTY UPON WHICH THERE IS ABUTTING SIDEWALK TO KEEP AND MAINTAIN SUCH SIDEWALK IN SAFE AND SERVICEABLE CONDITION.

SUBD. 2. RECONSTRUCTION AND REPAIR: ALL CONSTRUCTION, RECONSTRUCTION OR REPAIR OF SIDEWALK, CURB AND GUTTER IMPROVEMENTS, INCLUDING CURB CUTS, SHALL BE STRICTLY IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS SET FORTH BY THE CITY COUNCIL.

SUBD. 3. RECONSTRUCTION AND REPAIR OF SIDEWALKS:

A. NOTICE; NO EMERGENCY: WHERE IN THE OPINION OF THE CITY CLERK OR CITY MAINTENANCE DEPARTMENT, NO EMERGENCY EXISTS, NOTICE OF THE REQUIRED REPAIR OR RECONSTRUCTION OF A SIDEWALK SHALL BE GIVEN TO THE OWNER OF THE ABUTTING PROPERTY. SUCH NOTICE SHALL REQUIRE COMPLETION OF THE WORK WITHIN NINETY (90) DAYS, AND SHALL BE MAILED TO THE OWNER OR OWNERS SHOWN TO BE SUCH ON THE RECORDS OF THE COUNTY OFFICER WHO MAILS TAX STATEMENTS.

B. NOTICE; EMERGENCY: WHERE, IN THE OPINION OF THE CITY CLERK OR CITY MAINTENANCE DEPARTMENT, AN EMERGENCY EXISTS, NOTICE OF THE REQUIRED REPAIR OR RECONSTRUCTION OF A SIDEWALK SHALL BE GIVEN TO THE OWNER OF THE ABUTTING PROPERTY. SUCH NOTICE SHALL REQUIRE COMPLETION OF THE WORK WITHIN TEN (10) DAYS, AND SHALL BE MAILED TO THE OWNER OR OWNERS SHOWN TO BE SUCH ON THE RECORDS OF THE COUNTY OFFICER WHO MAILS TAX STATEMENTS.

C. FAILURE OF OWNER TO RECONSTRUCT OR MAKE REPAIRS: IF THE OWNER OF THE ABUTTING PROPERTY FAILS TO MAKE REPAIRS OR ACCOMPLISH RECONSTRUCTION OF A SIDEWALK AS HEREIN REQUIRED, THE CLERK OR CITY MAINTENANCE DEPARTMENT SHALL REPORT SUCH FAILURE TO THE COUNCIL AND THE COUNCIL MAY ORDER SUCH WORK TO BE DONE UNDER ITS DIRECTION AND THE COST THEREOF ASSESSED TO THE PROPERTY OWNER AS ANY OTHER SPECIAL ASSESSMENT.

SUBD. 4. PERMIT AND INSPECTION:

A. IT IS A MISDEMEANOR TO CONSTRUCT A SIDEWALK, CURB AND GUTTER, DRIVEWAY OR ROADWAY SURFACING IN ANY STREET OR OTHER PUBLIC PROPERTY IN THE CITY WITHOUT A PERMIT IN WRITING. APPLICATION FOR SUCH PERMIT SHALL BE MADE ON FORMS APPROVED AND PROVIDED BY THE CITY AND SHALL SUFFICIENTLY DESCRIBE THE CONTEMPLATED IMPROVEMENTS, THE CONTEMPLATED DATE OF BEGINNING OR WORK, AND THE LENGTH OF TIME REQUIRED TO COMPLETE THE SAME, PROVIDED, THAT NO PERMIT SHALL BE REQUIRED FOR ANY SUCH IMPROVEMENT ORDERED INSTALLED BY THE COUNCIL.

B. THE CITY CLERK OR CITY MAINTENANCE DEPARTMENT SHALL INSPECT SUCH IMPROVEMENTS AS DEEMED NECESSARY OR ADVISABLE. ANY WORK NOT DONE ACCORDING TO THE APPLICABLE STANDARDS AND SPECIFICATIONS SHALL BE REMOVED AND CORRECTED AT THE EXPENSE OF THE PERMIT HOLDER. ANY WORK DONE HEREUNDER MAY BE STOPPED BY THE CITY CLERK OR CITY MAINTENANCE DEPARTMENT IF FOUND TO BE UNSATISFACTORY OR NOT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS, BUT HIS SHALL NOT PLACE A CONTINUING BURDEN UPON THE CITY TO INSPECT OR SUPERVISE SUCH WORK.

SECTION 3. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING: IT IS UNLAWFUL FOR ANY PERSON TO PAINT, LETTER OR COLOR ANY STREET, SIDEWALK OR CURB AND GUTTER FOR ADVERTISING PURPOSES, OR TO PAINT OR COLOR ANY STREET, SIDEWALK OR CURB AND GUTTER FOR ANY PURPOSE, EXCEPT AS THE SAME MAYBE DONE BY CITY EMPLOYEES ACTING WITHIN THE COURSE AND SCOPE OF THEIR EMPLOYMENT. PROVIDED, HOWEVER THAT THIS PROVISION SHALL NOT APPLY TO UNIFORMLY COLORING CONCRETE OR OTHER SURFACING AS SUCH COLORING SHALL BE APPROVE BY THE CITY COUNCIL.

SECTION 4. SKATEBOARDS, SCOOTERS, BICYCLES, IN LINE SKATES (ROLLER BLADES) AND ROLLER SKATES:

SUBD. 1. RIGHT OF WAY; SIDEWALKS: WHENEVER A PERSON IS RIDING OR USING SKATEBOARDS, SCOOTERS, BICYCLES, IN LINE SKATES (ROLLER BLADES) OR ROLLER SKATES UPON A SIDEWALK, SUCH PERSON SHALL GIVE AUDIBLE SIGNAL BEFORE OVERTAKING AND PASSING ANOTHER PERSON.

SUBD. 2. UNLAWFUL USE: IT IS UNLAWFUL FOR ANY PERSON TO RIDE, USE OR OPERATE SKATE SKATEBOARDS, SCOOTERS, BICYCLES, IN LINE SKATES (ROLLER BLADES) OR ROLLER SKATES UPON A SIDEWALK WITHIN AN AREA ZONED GENERAL BUSINESS DISTRICT UNDER THE UPSALA CITY CODE.

SECTION 5. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR: EVERY PERSON VIOLATES A SECTION, SUBDIVISIONS, PARAGRAPH OR PROVISION OF THIS CHAPTER WHEN HE PERFORMS AN ACT THEREBY PROHIBITED OR DECLARED UNLAWFUL, OR FAILS TO ACT WHEN SUCH FAILURE IS THEREBY PROHIBITED OR DECLARED UNLAWFUL, AND UPON CONVICTION THEREOF, SHALL BE PUNISHED AS FOLLOWS:

SUBD. 1. WHERE THE SPECIFIC SECTION, SUBDIVISION, PARAGRAPH OR PROVISION SPECIFICALLY MAKES VIOLATION A MISDEMEANOR, HE SHALL BE PUNISHED AS FOR A MISDEMEANOR; WHERE A VIOLATION IS COMMITTED IN A MANNER OR UNDER CIRCUMSTANCES SO AS TO ENDANGER OR BE LIKELY TO ENDANGER ANY PERSON OR PROPERTY, HE SHALL BE PUNISHED AS FOR A MISDEMEANOR; WHERE HE STANDS CONVICTED OF VIOLATION OF ANY PROVISION OF THE CHAPTER, EXCLUSIVE OF VIOLATIONS RELATING TO THE STANDING OR PARKING OF AN UNATTENDED VEHICLE, WITHIN THE IMMEDIATE PRECEDING TWELVE (12) MONTH PERIOD FOR THE THIRD OR SUBSEQUENT TIME, HE SHALL BE PUNISHED AS FOR A MISDEMEANOR.

SUBD. 2. AS TO ANY VIOLATION NOT CONSTITUTING A MISDEMEANOR UNDER THE PROVISIONS OF SUBDIVISION 1 HEREOF, HE SHALL BE PUNISHED AS FOR A PETTY MISDEMEANOR.

PASSED BY THE CITY COUNCIL THIS 5<sup>th</sup> DAY OF May, 1997.

  
MAYOR

  
CLERK